

AMENDED

Nº 44613

APPLICATION FOR PERMIT
TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office OCT 12 1981
Returned to applicant for correction JAN 26 1982
Corrected application filed MAR 24 1982
Map filed MAR 24 1982

The applicant ASARCO INCORPORATED
1150 North Seventh Avenue, of Tucson,
Street and No. or P.O. Box No. City or Town
Arizona 85703, hereby make application for permission to appropriate the public
State and Zip Code No.
waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Incorporated in the state of New Jersey
on May 22, 1935. Qualified to do business in Nevada on May 26, 1943.

1. The source of the proposed appropriation is underground
Name of stream, lake, spring, underground or other source
2. The amount of water applied for is 4 second-feet
One second-foot equals 448.83 gals. per min.
(a) If stored in reservoir give number of acre-feet.
3. The water to be used for Mining, Milling and Domestic
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
(a) Irrigation, state number of acres to be irrigated:
(b) Stockwater, state number and kinds of animals to be watered:
(c) Other use (describe fully under "No. 12. Remarks") Mining, Milling and Domestic
(d) Power:
(1) Horsepower developed
(2) Point of return of water to stream
5. The water is to be diverted from its source at the following point: SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 16, T 28 N, R 35 E,
Describe as being within a 40-acre subdivision of public
MDM., or at a point from which the S $\frac{1}{4}$ corner of said Section 16 bears S 37° 55'
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
E, a distance of 1,435 feet.
6. Place of use Within Sections 10, 15, 16, 21 and 22, all in T 28 N, R 34 E, MDM.
Describe by legal subdivision. If on unsurveyed land, it should be so stated.
7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) Drilled and cased well, submersible pump,
State manner in which water is to be diverted, i.e. diversion structure, ditches and
electric motor, pipe lines, storage reservoirs and distribution system.
flumes, drilled well with pump and motor, etc.
9. Estimated cost of works At least \$40,000

10. Estimated time required to construct works..... four years.....
If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use..... seven years.....

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

Water under this application will be comingled with water from other applications submitted by the applicant for mining, milling and domestic purposes. Water will be reclaimed and recirculated.

By s/Ross E. de Lipkau

Ross E. de Lipkau

P.O. Box 2790

Reno, Nevada 89505

Compared ja/cs pr/bc

Protested.....

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions: This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

The total combined duty of water under Permits 44613, 44614, 44615 and 44616 shall not exceed 141.37 million gallons annually.

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

(CONTINUED PAGE TWO)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 4.0 cubic feet per second, but not to exceed 141.37 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before October 29, 1986

Proof of completion of work shall be filed before November 29, 1986

Application of water to beneficial use shall be made on or before October 29, 1989

Proof of the application of water to beneficial use shall be filed on or before November 29, 1989

Map in support of proof of beneficial use shall be filed on or before.....

Completion of work filed..... IN TESTIMONY WHEREOF, I, PETER G. MORROS, State Engineer of Nevada, have hereunto set my hand and the seal of

Proof of beneficial use filed..... my office, this 29th day of October

Cultural map filed.....

A.D. 19 84

Certificate No. Issued.....

Peter G. Morros
 State Engineer

218 (Rev.)

WITHDRAWN BY AGENCY DEC 09 1997

STATE ENGINEER

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Permit Terms Continued

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.